

REMARKS

Claims 1-7 are rejected under 35 U.S.C. Section 112, second paragraph, on indefiniteness grounds. Claim 1 has been totally rewritten as claim 8, and certain features from original claim 1 have been incorporated into the various dependent claims including newly added dependent claims 9-15.

Applicant respectfully understands that the Section 112 rejection has been obviated. Reconsideration and withdrawal thereof are respectfully requested.

Claims 1-7 are rejected under 35 U.S.C. Section 103(a) from Japanese Patent Publication No. 05-228499A (hereinafter "JP").

New claim 8 is the only independent claim in this application. This claim specifies that the contaminated material is mixed with calcium hydroxide (hydrated lime) at between about 1 and about 10 weight percent. The JP reference teaches the use of much larger quantities of a different treatment material, namely calcium oxide (quick lime). See particularly, paragraphs [0007] and [0014] of the JP reference.

This important difference between claim 8 and JP in terms of both the chemical reagent and the quantity of the chemical reagent show the unobviousness and unexpectedness of the present invention. First, there is the clear savings in chemical reagent when comparing a range of 1-10 weight percent of claim 8

and 30-70 weight percent of the JP reference. Second, the choice of calcium oxide (quick lime) by the JP reference results in a highly exothermic ("exoergic" in the JP machine translation). For example, paragraphs [0001], [0014] and [0015] of the JP reference teach reaching temperatures of 80 to 100°C. These types of harsh exothermic conditions are not particularly conducive to the environmentally friendly approach of the presently claimed invention. As mentioned, for example, in applicant's paragraph [0050] the claimed process permits the contaminated material to be a resource for natural vegetation after only a few months.

Additionally, the JP reference teaches the addition of microbial nutrients for the express purpose of promoting biological decomposition of the oil and requires the use of a rich medium (yeast extract, yeast fungi). See, for example, paragraph [0008] of the JP reference. The addition of rice bran also is mentioned in paragraph [0008] to increase the emulsification of the oil and speed of the catabolic rate. Rather than this approach of the JP reference, step (d) of claim 8 calls for adding an organic conditioner at a specific level of between about 1 and 15 weight percent, and claim 7 specifies organic conditioners that are different from those

microbial nutrients taught by the JP reference, particularly the yeast materials.

Furthermore, the JP reference teaches, for example, in paragraphs [0009] and [0014] to mix the material in a treatment with 30-50 percent of healthy soil, this being due to the high concentration of chemical reagent used in the process taught by the JP reference. No such requirement is present in the claimed invention. In fact, step (e) of claim 8 is a simple allowing of curing to proceed during an at-rest condition.

The above illustrates the important differences between the presently claimed invention and the JP reference. These illustrate the unobvious approach taken by the present invention which achieves savings in treatment reagent, enjoying less harsh treatment conditions, and achieving fast land reclamation to allow natural vegetative growth in a relatively short time period.

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Reconsideration and withdrawal of the Section 103 rejection
are respectfully requested.

Respectfully submitted,

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